

sale of such bonds and from the levy of taxes for road and bridge purposes; providing for the purchase of tools and machinery out of the second class road and bridge fund; providing for the transfer of certain funds; prohibiting any member of the commissioners courts or county officer from being finally interested in a contract or road work or materials, and providing a penalty therefor, and making disposition of any such fines; defining road and highways, and providing for a budget for the counties by the commissioners courts and funds providing that the provisions hereof shall be cumulative of all general laws; and repealing all laws or parts of laws in conflict with the provisions thereof; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

NINETEENTH DAY

(Friday, February 10, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Daniel.
Adamson.	Davidson.
Aikin.	Dean.
Alexander.	Devall.
Alsup.	Dunlap.
Anderson	Dunagan.
of Bexar.	Dwyer.
Anderson	Engelhard.
of Johnson.	Fain.
Baker.	Few.
Barrett.	Fisher.
Barron.	Ford.
Beck.	Fuchs.
Bedford.	Glass.
Bourne.	Golson.
Bradley.	Good.
Burns.	Goodman.
Butler.	Greathouse.
Calvert.	Griffith.
Camp.	Haag.
Canon.	Hankamer.
Cathey.	Harman.
Caven.	Harris.
Chastain.	Hartzog.
Colson.	Head.
Coombes.	Hester.
Cowley.	Hicks.
Crossley.	Hill of Webb.

Hodges.	Parkhouse.
Holekamp.	Patterson.
Holland.	Pavlica.
Holloway.	Pope.
Hoskins.	Purveyer.
Huddleston.	Ratliff.
Hughes.	Ray.
Hunt.	Reader.
Hyder.	Reed of Bowie.
Jackson.	Reed of Dallas.
James.	Renfro.
Jefferson.	Riddle.
Johnson	Roberts.
of Anderson.	Rogers of Hunt.
Jones of Atascosa.	Rogers
Jones of Runnels.	of Ochiltree.
Jones of Shelby.	Rollins.
Kayton.	Ross.
Kyle of Hays.	Russell.
Kyle of Palo Pinto.	Savage.
Laird.	Scarborough.
Latham.	Scott.
Lemens.	Shannon.
Leonard.	Shults.
Lindsey.	Smith.
Lotief.	Stanfield.
Magee.	Steward.
Mackay.	Stinson.
Mathis.	Stovall.
McClain.	Sullivant.
McCullough.	Tarwater.
McDougald.	Tennyson.
McGregor.	Thomas.
McKee.	Townsend.
Merritt.	Van Zandt.
Metcalf.	Vaughan.
Mitcham.	Wagstaff.
Moffett.	Walker.
Moore.	Wells.
Morrison.	Winningham.
Morse.	Wood.
Munson.	Young.
Palmer.	

Absent

Duvall.	Ramsey.
Graves.	Tillery.
Harrison.	West.
Long.	

Absent—Excused

Clayton.	Nicholson.
Hill of Brazoria.	Turlington.
Johnson	Weinert.
of Dimmit.	

A quorum was announced present.
Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hill of Brazoria for today, on motion of Mr. Butler.

Mr. Alsup for today, on motion of Mr. Fisher.

Mr. Turlington for today, on motion of Mr. Kyle of Hays.

Mr. Leonard for today, on motion of Mr. Glass.

The following Members were granted leaves of absence on account of illness:

Mr. Weinert for today and tomorrow, on motion of Mr. Dunlap.

Mr. Nicholson for today and tomorrow, on motion of Mr. McDougald.

Mr. Clayton for today, on motion of Mr. Glass, on account of the death of his father.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Daniel:

H. B. No. 433, A bill to be entitled "An Act to amend Article 2687, Revised Statutes, 1925, relating to the compensation to be paid members of the county board of trustees; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Latham, Mr. Holloway, Mr. McCullough, Mr. Russell, Mr. Pavlica, Mr. Mitcham, Mr. Hester, Mr. McClain, Mr. Turlington, Mr. Lindsey, Mr. Dunagan, Mr. Hicks, Mr. Cathey, Mr. Lotief, and Mr. Rogers of Hunt:

H. B. No. 434, A bill to be entitled "An Act providing for the licensing of chiropractors, creating a Board of Chiropractic Examiners for the protection of public health and welfare, providing for the number on Board, qualifications of said Board, when and how Board should be appointed, classes of said Board, length of term of each Board member, providing for the appointment to fill vacancies, and providing for licensing of first Board, providing for the qualifying of members of Board, and terms of each, providing for time of meetings of said Board, election of its officers, rules and regulations with which the Board is empowered, providing

said Board with authority and eligibility to administer oaths, take affidavits, etc., and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Anderson of Bexar:

H. B. No. 435, A bill to be entitled "An Act to amend Sections 11 and 12 of the Acts of 1927, Fortieth Legislature, page 26, Chapter 22, fixing the salary of the Judges of the County Courts at Law of Bexar County, Texas, at \$3,600, and fixing the maximum of the office of county judge at \$6,500, whether the duties are performed by one or more persons, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Leonard:

H. B. No. 436, A bill to be entitled "An Act providing for the relinquishment of interest and penalties on delinquent taxes which were delinquent on February 1, 1933; and providing that same may be paid in ten (10) annual payments with interest on each one-tenth from date of delinquency, and providing penalties for failure to pay annual installments, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Holekamp:

H. B. No. 437, A bill to be entitled "An Act providing for the regulation of local mutual aid associations paying a death benefit operating an insurance company and paying benefits, where funds are provided by assessment on members; defining the law and manner under which such associations may operate; prescribing and providing for and requiring, among other things, the territorial limits of such associations and prohibiting the connection of any two associations of the same character; the number of persons who may organize such associations, and the requirements of the articles of association in the formation of such associations; a bond as a prerequisite to the organization of such associations and the amount and condition of said bond; approval of constitution and by-laws under which such associations will operate, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Pope:

H. B. No. 438, A bill to be entitled "An Act to amend Articles 1040 and 1041 of the 1925 Court of Criminal Procedure, relative to allowance of sheriffs for the safekeeping, support, and maintenance of prisoners confined in jail, and the pay of guards or matrons, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Holekamp:

H. B. No. 439, A bill to be entitled "An Act repealing Section 1 of the Acts of 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, in so far as it affects Blanco County, Texas (relating to fishing), and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Wells, Mr. Metcalfe, Mr. Barrett, and Mr. Head:

H. B. No. 440, A bill to be entitled "An Act to amend Acts 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 4, and Section 5, relating to the time of application for registration of motor vehicles or chauffeur's licenses, and relating to the annual license fee for the registration of a motorcycle, motorcycle side car, or a passenger car, so as to change the amount of the license fee for motorcycles, motorcycle side cars, and passenger cars; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Glass:

H. B. No. 441, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Cherokee County, except the seine or net of not less than three-inch square mesh, except during certain months, and excepting a minnow seine from the provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Kayton:

H. B. No. 442, A bill to be entitled "An Act creating a Central Mailing Bureau; providing for the control of such Bureau by the State Board of

Control; designating the duties and purpose of such Bureau; making an appropriation for the expense of operation and for the purchase of necessary equipment to establish and maintain said Bureau for a period of six months; providing all mail of the State departments located in the State Capitol, the State Office Building, the State Highway Department Office Building, and the Courthouse State Office Building in Austin shall pass through said Bureau; providing for bonds for personnel of such Bureau; providing an appropriation for a revolving fund; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Appropriations.

Mr. Golson and Mr. Fisher (by request):

H. B. No. 443, A bill to be entitled "An Act to amend Articles 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, and 810 of Chapter 4, Title 9 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the enforcing of judgment in capital cases so as to provide for the time of execution, the method of execution, the place of execution, those who shall be present, escape after sentence, and escape from the penitentiary."

Referred to Committee on Criminal Jurisprudence.

By Mr. Cathey:

H. B. No. 444, A bill to be entitled "An Act to amend Article 2094 of the Revised Civil Statutes of the State of Texas of 1925, providing that all counties in Texas shall use jury wheels in selecting jurors for service in district and county courts, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Stovall, Mr. Few, and Mr. Alsop:

H. B. No. 445, A bill to be entitled "An Act repealing Article 734-a of Title 12 of the Penal Code, same being Acts of the First Called Session of the Forty-first Legislature in 1929, Chapter 65, page 166, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Fuchs, Mr. Lotief, and Mr. Mackay:

H. B. No. 446, A bill to be entitled "An Act amending Article 1408,

Chapter 7, Title 17, of the Penal Code of the State of Texas, 1925, so as to provide that the punishment for the offense of robbery where a firearm or other deadly weapon is used or exhibited in the commission of the offense shall be death for the second offense whether committed within this State or out of it, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Hill of Webb, Mr. Barron, and Mr. Hyder:

H. B. No. 447, A bill to be entitled "An Act defining public utilities and providing for their regulation, creating the Public Utilities Commission of this State, and fixing their qualifications and compensation, and prescribing their duties and powers and the manner in which the jurisdiction herein conferred shall be exercised; providing penalties for the violation of this Act, and for the repeal of all laws and parts of laws in conflict herewith."

Referred to Committee on Municipal and Private Corporations.

By Mr. Kayton (by request) and Mr. Anderson of Bexar:

H. B. No. 448, A bill to be entitled "An Act to provide for the raising of public revenue by imposing a tax upon the retail sale to the consumer of articles of personal consumption and use, and by imposing a tax upon the privilege of engaging in, operating, and conducting certain businesses, trades, occupations, callings, and professions in the State of Texas; to provide for the ascertainment, assessment, and collection of such taxes; to provide that all revenues raised hereunder, except the cost of administering this Act, be applied to the reduction by the amount collected hereunder, of the amount of the ad valorem taxes now provided by law to be assessed and collected, except such ad valorem taxes as may be required by the Constitution to be levied, assessed, and collected, etc, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Kyle of Palo Pinto and Mr. Fain:

H. B. No. 449, A bill to be entitled "An Act providing that designated State highways traversing incor-

porated cities and towns of this State having a population of less than ten thousand (10,000) inhabitants, shall be maintained at the expense of the State and such expense to be paid out of the highway maintenance fund, and providing further that it shall be the duty of the Highway Department to maintain such highways, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Burns and Mr. Daniel:

H. B. No. 450, A bill to be entitled "An Act amending Chapter 16 of the Acts of the General Laws of the Fourth Called Session of the Forty-first Legislature of the State of Texas, so as to provide that seventy-five per cent of the salary of the county judge as well as seventy-five per cent of the salaries of county commissioners be paid out of the road and bridge fund and the remainder be paid out of the general fund of the county, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Jackson:

H. B. No. 451, A bill to be entitled "An Act which provides for the prevention and control of disease; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules, and regulations for the protection of the public health; repealing all of the old State Sanitary Code known as Chapter 4, Article 4477, of the Revised Civil Statutes of Texas of 1925, save and except Senate Bill No. 46, Acts of 1927, Fortieth Legislature, First Called Session, page 116, Chapter 41, as amended by Senate Bill No. 20, Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, which same is known as 'The Vital Statistics Law,' and shall remain in full force and effect, etc., and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Anderson of Bexar:

H. B. No. 452, A bill to be entitled "An Act to repeal Chapter 26 of the General and Special Laws of the First Called Session of the Forty-second Legislature and Chapter II of the General and Special Laws of the Fourth Called Session of the Forty-second Legislature, and declaring an

emergency." (Relating to the so-called oil proration laws.)

Referred to Committee on Oil, Gas, and Mining.

By Mr. Anderson of Bexar:

H. B. No. 453, A bill to be entitled "An Act to amend Article 3149 of the Revised Civil Statutes of the State of Texas, relating to the opening of ballot boxes and the recounting of votes in contested primary elections; requiring the district court or the executive committee to unlock and unseal the ballot boxes and recount the votes in any precinct where fraud or illegality is charged, and declaring an emergency."

Referred to Committee on Privileges, Suffrage, and Elections.

By Mr. Anderson of Bexar:

H. B. No. 454, A bill to be entitled "An Act to provide for the creation of corporations for the following seven purposes: (1) to store and transport, or store or transport, buy and sell, minerals and mineral solutions other than natural gas; (2) to produce minerals; (3) to maintain a drilling business; (4) to own and hold royalty interest in minerals; (5) to refine petroleum and gas; (6) to distribute at retail petroleum products; (7) to distribute at wholesale petroleum products, etc., and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Rogers of Ochiltree:

H. B. No. 455, A bill to be entitled "An Act granting to boards of trustees of independent school districts of this State full management and control of public free schools of such districts, vesting said boards with all the powers in regard to the establishment and maintaining of free schools, including the power and manner of taxation for free school purposes that are conferred by law upon the governing bodies of incorporated cities and towns of this State, and declaring an emergency."

Referred to Committee on Education.

By Mr. Latham:

H. B. No. 456, A bill to be entitled "An Act to amend Subdivision 27 of Article 7047, Revised Civil Statutes of Texas, 1925, fixing the amount of

tax levied on acrobatic performances in cities of certain sizes, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Good and Mr. Coombes:

H. B. No. 457, A bill to be entitled "An Act to provide for the depositing with the State Treasurer of all funds received by or belonging to State departments, institutions, schools, colleges, universities, boards, bureaus, commissions, or other agencies of the State Government; providing for handling of trust funds as special funds in the State Treasury where no manner of management is provided for; providing for 'petty cash' or revolving funds for emergency needs; prohibiting deposits other than with the State Treasurer; providing for penalties for violation of this Act, and fixing the venue of prosecutions in Travis County, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Tennyson, Mr. Sullivan, Mr. Walker, Mr. Dunagan, and Mr. Russell:

H. B. No. 458, A bill to be entitled "An Act amending Article 1438, Revised Civil Statutes of 1925, relating to discrimination by persons, corporations, firms and associations furnishing gas, electric current or power so as to make it unlawful for any such persons, associations, or corporations generating, making, manufacturing, transporting, or selling gas, electric current and power to individuals, the public or municipalities for light, heat, power, and other purposes to discriminate in charges therefor under similar and contemporaneous circumstances; prescribing penalties for violations; fixing the venue for actions brought hereunder; providing for forfeiture of charters or permits of corporations found guilty of violating this Act; providing this Act shall be cumulative of all other laws prohibiting discrimination, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Cathey, Mr. Dunagan, Mr. Hester, Mr. Hyder, Mr. Chastain, Mr. Latham, and Mr. Holloway:

H. B. No. 459, A bill to be entitled "An Act to amend Acts, 1929, Forty-

first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary at Huntsville, Texas, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Parkhouse, Mr. Camp, and Mr. Hankamer:

H. B. No. 460, A bill to be entitled "An Act to repeal Article 124 of the Penal Code of Texas of 1925 (relative to collection of penalties on occupation taxes), and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Alsup:

H. B. No. 461, A bill to be entitled "An Act repealing Senate Bill No. 5, Chapter 229, page 383, Acts of the Regular Session of the Forty-second Legislature, with reference to the collection of delinquent taxes, and providing for the collection of said taxes and for the installation of a tax or plat system; authorizing the Comptroller and commissioners court to employ competent persons to collect delinquent taxes and install a tax or plat system, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Duvall:

H. B. No. 462, A bill to be entitled "An Act providing the method by which assignees and transferees of corporate stock and the certificates thereof, and of corporate indebtedness, may be registered upon the records of such corporation, and providing for recovery of liquidated damages of any corporation which fails or refuses to promptly receive and register and redeliver the same, and further providing that such corporation may, under prescribed conditions, safely deal with the registered owner and holder thereof as the absolute owner and holder, and to enable the corporation to satisfy the same, in whole or in part, so that no one else can thereafter claim of said corporation any interest in the part so satisfied and discharged."

Referred to Committee on Municipal and Private Corporations.

By Mr. Engelhard:

H. B. No. 463, A bill to be entitled "An Act providing that certain worthless securities shall be written off the books of the State as maintained by the Comptroller and the Treasurer, respectively, and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Graves:

H. B. No. 464, A bill to be entitled "An Act to simplify the operations of the Executive Department of the State Government by abolishing certain offices, boards, departments, commissions, and institutions; creating others; redistributing the powers, duties, and functions of the Executive Department among such offices, boards, commissions, and departments as are herein created or hereby retained; defining such powers, duties, and functions, and co-ordinating them; fixing terms of office, methods of appointment, and election, duties, and qualifications of offices and positions, and providing the methods of fixing the compensation thereof; repealing all laws and parts of laws in conflict herewith, and for other purposes."

Referred to Committee on State Affairs.

By Mr. Savage:

H. B. No. 465, A bill to be entitled "An Act requiring individuals, companies, corporations, and associations holding certain unclaimed deposits of money and certain unclaimed property for storage or safekeeping or otherwise, and companies, corporations, and associations holding certain unclaimed dividends, profits, debts, and interest on debts, and requiring certain county and district court officials holding funds in trust paid in under order of the court, to report annually, under oath, such unclaimed deposits of money, property, dividends, profits, debts, and interest on debts so held to the Comptroller of Public Accounts; setting forth the requirements of such reports, and providing penalties for false reports and for failure to report, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Savage:

H. B. No. 466, A bill to be entitled "An Act amending Article 465, Revised Civil Statutes of Texas, 1925

(relative to deposit with State Treasurer of certain funds from liquidated banks by the Commissioner after six months), and declaring an emergency."

Referred to Committee on Judiciary.

RELATIVE TO HOUSE BILL NO. 434

Mr. Latham moved that House Bill No. 434 be referred to the Committee on Revenue and Taxation.

Mr. McDougald moved, as a substitute motion, that the bill be referred to the Committee on Public Health.

Question first recurring on the motion by Mr. McDougald, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55

Alexander.	Magee.
Anderson	McDougald.
of Bexar.	Merritt.
Barrett.	Metcalfe.
Barron.	Moffett.
Bedford.	Moore.
Butler.	Morse.
Camp.	Parkhouse.
Chastain.	Patterson.
Coombes.	Ray.
Devall.	Reader.
Dwyer.	Renfro.
Fain.	Roberts.
Glass.	Rollins.
Goodman.	Ross.
Greathouse.	Scott.
Hankamer.	Shannon.
Harris.	Shults.
Hartzog.	Stanfield.
Hill of Webb.	Tarwater.
Hughes.	Tennyson.
James.	Thomas.
Jefferson.	Van Zandt.
Jones of Atascosa.	Vaughan.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Winningham.
Leonard.	Young.

Nays—62

Adamson.	Daniel.
Aikin.	Davidson.
Anderson	Dean.
of Johnson.	Dunagan.
Baker.	Engelhard.
Bourne.	Few.
Burns.	Fisher.
Calvert.	Ford.
Canon.	Golson.
Cathey.	Griffith.
Cowley.	Haag.
Crossley.	Head.

Hester.	Palmer.
Hicks.	Pavlica.
Hodges.	Pope.
Holloway.	Purveyer.
Hoskins.	Ratliff.
Huddleston.	Reed of Bowie.
Hunt.	Reed of Dallas.
Hyder.	Riddle.
Johnson	Rogers of Hunt.
of Anderson.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Laird.	Russell.
Latham.	Savage.
Lindsey.	Smith.
Lotief.	Stinson.
Mackay.	Stovall.
McClain.	Sullivant.
McCullough.	Townsend.
McGregor.	Wells.
McKee.	Wood.
Mitcham.	

Absent

Beck.	Jackson.
Bradley.	Jones of Runnels.
Colson.	Lemens.
Dunlap.	Long.
Duvall.	Mathis.
Fuchs.	Morrison.
Good.	Munson.
Graves.	Ramsey.
Harman.	Scarborough.
Harrison.	Steward.
Holekamp.	West.
Holland.	

Absent—Excused

Alsup.	Nicholson.
Caven.	Tillery.
Clayton.	Turlington.
Hill of Brazoria.	Weinert.
Johnson of Dimmit.	

Mr. Scott moved, as a substitute for the motion by Mr. Latham, that the bill be referred to the Committee on Live Stock and Stock Raising.

Mr. McGregor moved the previous question on the pending motions, and the main question was ordered.

Question first recurring on the motion by Mr. Scott, it prevailed.

Question then recurring on the motion as substituted, it prevailed.

BILL RE-REFERRED

On motion of Mr. Mathis, House Bill No. 299 was withdrawn from the Committee on State Affairs and referred to the Committee on Revenue and Taxation.

BILL ORDERED PRINTED

Mr. Van Zandt moved that House Bill No. 105, reported adversely with

a minority favorable report, be printed.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—69

Adamson.	Jefferson.
Aikin.	Jones of Shelby.
Alexander.	Kyle of Hays.
Anderson	Laird.
of Bexar.	Lemens.
Anderson	Leonard.
of Johnson.	Lindsey.
Baker.	Mathis.
Beck.	McDougald.
Bedford.	McGregor.
Bourne.	Metcalfe.
Bradley.	Mitcham.
Butler.	Moffett.
Calvert.	Morse.
Camp.	Patterson.
Canon.	Ratliff.
Cowley.	Ray.
Crossley.	Reed of Dallas.
Dean.	Renfro.
Devall.	Roberts.
Dwyer.	Rogers of Hunt.
Fain.	Rogers
Fisher.	of Ochiltree.
Ford.	Savage.
Fuchs.	Scarborough.
Glass.	Shannon.
Golson.	Shults.
Haag.	Stanfield.
Hartzog.	Sullivant.
Hicks.	Tennyson.
Hill of Webb.	Townsend.
Hodges.	Van Zandt.
Holekamp.	Wagstaff.
Hoskins.	Walker.
Hunt.	Wells.
James.	Wood.

Nays—44

Barrett.	Jones of Runnels.
Burns.	Latham.
Cathey.	Lotief.
Chastain.	Magee.
Colson.	Mackay.
Coombes.	McCullough.
Daniel.	Merritt.
Davidson.	Moore.
Dunagan.	Morrison.
Engelhard.	Munson.
Few.	Palmer.
Good.	Pavlica.
Greathouse.	Puryear.
Harman.	Reed of Bowie.
Head.	Rollins.
Hester.	Ross.
Huddleston.	Russell.
Hughes.	Scott.
Johnson	Smith.
of Anderson.	Stinson.
Jones of Atascosa.	Stovall.

Thomas. Young.
Vaughan.

Absent

Barron.	Kyle of Palo Pinto.
Dunlap.	Long.
Duvall.	McClain.
Goodman.	McKee.
Graves.	Parkhouse.
Griffith.	Pope.
Hankamer.	Ramsey.
Harris.	Reader.
Harrison.	Riddle.
Holland.	Steward.
Holloway.	Tarwater.
Hyder.	West.
Jackson.	Winningham.
Kayton.	

Absent—Excused

Alsup.	Nicholson.
Caven.	Tillery.
Clayton.	Turlington.
Hill of Brazoria.	Weinert.
Johnson	
of Dimmit.	

RELATIVE TO HOUSE BILL NO.
242

On motion of Mr. Walker, by unanimous consent, the caption of House Bill No. 242 was ordered amended to conform to the body of the bill.

RELATIVE TO STATE HIGHWAY
PATROL

Mr. Kayton offered the following resolution:

H. C. R. No. 21, Relative to certain equipment for the Highway Patrol.

Whereas, The State Highway Commission is charged with the duty of fixing the policies and selecting the personnel of the Highway Motor Patrol of this State; and

Whereas, The State Highway Motor Patrol is charged with the duty of policing the State highways of this State and enforcing violations of all the highway laws; and

Whereas, The State Highway Motor Patrol is now provided with approximately sixteen (16) pairs or sets of adequate scales with which to weigh commercial motor vehicles; and

Whereas, Many commercial motor vehicles are using the highways of this State without paying the license fee due and collectible for the use of the highways in the transportation of the amounts and number of pounds of property being transported on said vehicles; and

Whereas, The State Highway Motor Patrol is not equipped with instruments for the purpose of making brake tests necessary to be made to determine whether motor vehicles being operated on the highways of this State can bring such vehicle to a stop within the distance and under the conditions required by law; and

Whereas, A great many commercial motor vehicles or combination of motor vehicles composed of truck-tractors and semi-trailers, which said semi-trailers are not equipped with proper brakes are being operated over the highways of this State; and

Whereas, A great number of commercial motor vehicles are composed of single units which are sometimes loaded in excess of their rated carrying capacity, thereby overstressing the safety factor built in the braking facilities of such motor vehicle; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State Highway Commission be required to equip the said Highway Motor Patrol with facilities and instruments for weighing motor vehicles and for making brake tests of all motor vehicles being operated on the highways appearing to said motor patrolmen as needing brake repairs, and that the State Highway Patrol be instructed by said Highway Commission to weigh commercial motor vehicles whenever and wherever found, if it should appear to said Highway Motor Patrolmen so finding such vehicle that it is loaded beyond the limit permitted by law or if it should appear that said load exceeds the amount for which said commercial motor vehicle has been registered; and be it further

Resolved, That the Board of Control co-operate with the State Highway Commission in equipping said Highway Motor Patrol so as to eliminate from the operation of said Highway Motor Patrol the rental costs in providing equipment for said Motor Patrol to transport the instruments and facilities to be used in making such test and in weighing commercial motor vehicles.

The resolution was read second time.

Mr. Parkhouse raised a point of order on further consideration of the resolution, on the ground that it

seeks to do by a resolution that which should be done by the passage of a law.

The Speaker overruled the point of order.

Mr. Pope raised a point of order on further consideration of the resolution, on the ground that the resolution should first be referred to a committee before being considered by the House.

The Speaker sustained the point of order.

The resolution was then referred by the Speaker to the Committee on Highways and Motor Traffic.

INVITING MR. JOE WHITE OF BOWIE COUNTY TO ADDRESS THE HOUSE

Mr. Reed of Bowie offered the following resolution:

Be it resolved by the House of Representatives, That Mr. Joe White, of New Boston, be permitted to address the House Wednesday, February 15, 1933.

REED of Bowie,
BECK.

The resolution was read second time.

Mr. Beck moved that the House Rule, relative to admission to the Hall of the House, be suspended for the purpose of considering the resolution.

The motion prevailed by the following vote:

Yeas—97

Adamson.	Dean.
Aikin.	Dunagan.
Anderson	Fain.
of Bexar.	Few.
Anderson	Fisher.
of Johnson.	Ford.
Baker.	Fuchs.
Barron.	Glass.
Beck.	Golson.
Bourne.	Good.
Bradley.	Goodman.
Burns.	Griffith.
Butler.	Haag.
Calvert.	Hankamer.
Camp.	Hartzog.
Canon.	Hester.
Cathey.	Hicks.
Caven.	Hodges.
Colson.	Holekamp.
Cowley.	Holland.
Crossley.	Hoskins.
Daniel.	Huddleston.
Davidson.	Hughes.

Hyder.	Pavlica.
James.	Pope.
Jefferson.	Puryear.
Jones of Atascosa.	Ramsey.
Jones of Runnels.	Ratliff.
Jones of Shelby.	Ray.
Kyle of Palo Pinto.	Reader.
Laird.	Reed of Bowie.
Latham.	Reed of Dallas.
Leonard.	Roberts.
Lindsey.	Rogers of Hunt.
Mackay.	Russell.
Mathis.	Savage.
McClain.	Scarborough.
McCullough.	Shannon.
McDougald.	Smith.
McGregor.	Stanfield.
Merritt.	Stovall.
Metcalfe.	Sullivant.
Mitcham.	Tarwater.
Moffett.	Townsend.
Moore.	Van Zandt.
Morrison.	Vaughan.
Morse.	Wells.
Munson.	Winningham.
Palmer.	Wood.
Parkhouse.	

Nays—15

Barrett.	Johnson
Chastain.	of Anderson.
Coombes.	Kyle of Hays.
Devall.	Rollins.
Engelhard.	Scott.
Harman.	Shults.
Hill of Webb.	Stinson.
Hunt.	Walker.

Present—Not Voting

Greathouse.

Absent

Alexander.	Magee.
Bedford.	McKee.
Dunlap.	Patterson.
Duvall.	Renfro.
Dwyer.	Riddle.
Graves.	Rogers
Harris.	of Ochiltree.
Harrison.	Ross.
Head.	Steward.
Holloway.	Tennyson.
Jackson.	Thomas.
Kayton.	Wagstaff.
Lemens.	West.
Long.	Young.
Lotief.	

Absent—Excused

Alsup.	Nicholson.
Clayton.	Tillery.
Hill of Brazoria.	Turlington.
Johnson	Weinert.
of Dimmit.	

On motion of Mr. Burns, an invitation was extended to Mr. White to

address the House at 11 o'clock a. m., Wednesday, February 15.

RELATIVE TO THE ADOPTION OF STATE TEXTBOOKS

Mr. Crossley offered the following resolution:

Whereas, The State of Texas was formerly a part of the Republic of Mexico, and our present system of land measurements was devised and inaugurated during that period; and

Whereas, Not one adult in the State of Texas out of twenty understands anything about said system; now, therefore, be it

Resolved by the House of Representatives, That the Texas State Textbook Commission be requested to bear the foregoing facts in mind and, if possible, adopt such textbooks for the use of the school children of this State that explain the peculiar Texas system of land measurements so that the rising generation may be made familiar with the land system under which we live.

CROSSLEY,
BECK.

The resolution was read second time.

On motion of Mr. Ratliff, the resolution was referred to the Committee on Education.

SPECIAL ORDER SET

Mr. Barron moved that House Bill No. 145, which was set as a special order for 10 o'clock a. m., today, be reset as a special order for 10 o'clock a. m., next Tuesday.

The motion prevailed by the following vote:

Yeas—104

Adamson.	Chastain.
Aikin.	Colson.
Alexander.	Cowley.
Anderson	Crossley.
of Bexar.	Daniel.
Baker.	Davidson.
Barrett.	Dean.
Beck.	Devall.
Bourne.	Dunagan.
Bradley.	Fain.
Burns.	Few.
Butler.	Fisher.
Calvert.	Ford.
Camp.	Fuchs.
Canon.	Glass.
Cathey.	Golson.

Good.	Moore.
Goodman.	Morrison.
Griffith.	Morse.
Haag.	Munson.
Hankamer.	Palmer.
Harman.	Pavlica.
Harris.	Puryear.
Harrison.	Ramsey.
Hartzog.	Ratliff.
Head.	Ray.
Hicks.	Reader.
Hodges.	Reed of Bowie.
Holekamp.	Reed of Dallas.
Holland.	Renfro.
Huddleston.	Roberts.
Hunt.	Rogers of Hunt.
Hyder.	Rogers
James.	of Ochiltree.
Jefferson.	Russell.
Jones of Atascosa.	Savage.
Jones of Runnels.	Shannon.
Jones of Shelby.	Shults.
Kayton.	Smith.
Kyle of Hays.	Stanfield.
Kyle of Palo Pinto.	Stinson.
Laird.	Stovall.
Latham.	Sullivant.
Leonard.	Tennyson.
Lotief.	Thomas.
McClain.	Townsend.
McCullough.	Van Zandt.
McGregor.	Vaughan.
McKee.	Wagstaff.
Merritt.	Walker.
Metcalfe.	Wells.
Mitcham.	Winningham.
Moffett.	Wood.

Nays—3

Coombes.	Scott.
Hill of Webb.	

Absent

Anderson	Lemens.
of Johnson.	Lindsey.
Barron.	Long.
Bedford.	Magee.
Caven.	Mackay.
Dunlap.	Mathis.
Duvall.	McDougald.
Dwyer.	Parkhouse.
Engelhard.	Patterson.
Graves.	Pope.
Greathouse.	Riddle.
Hester.	Rollins.
Holloway.	Ross.
Hoskins.	Scarborough.
Hughes.	Steward.
Jackson.	Tarwater.
Johnson	West.
of Anderson.	Young.

Absent—Excused

Alsup.	Johnson
Clayton.	of Dimmit.
Hill of Brazoria.	Nicholson.

Tillery.	Weinert.
Turlington.	

HOUSE BILL NO. 242 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 242, A bill to be entitled "An Act to repeal Chapter 5, Acts of the Thirty-sixth Legislature, Third Called Session, and Chapter 34, Section 1, and Subsection 15, Acts of the Thirty-seventh Legislature, Regular Session."

The bill was read third time, and was passed by the following vote:

Yeas—115

Adamson.	Hicks.
Aikin.	Hill of Webb.
Alexander.	Hodges.
Anderson	Holekamp.
of Bexar.	Holland.
Anderson	Huddleston.
of Johnson.	Hunt.
Baker.	Hyder.
Barrett.	James.
Barron.	Jefferson.
Beck.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Canon.	Laird.
Cathey.	Latham.
Chastain.	Leonard.
Colson.	Lindsey.
Coombes.	Lotief.
Crossley.	Magee.
Daniel.	Mathis.
Davidson.	McClain.
Dean.	McCullough.
Devall.	McDougald.
Dunagan.	McGregor.
Dwyer.	McKee.
Engelhard.	Merritt.
Fain.	Metcalfe.
Few.	Mitcham.
Fisher.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Parkhouse.
Goodman.	Pavlica.
Greathouse.	Pope.
Griffith.	Puryear.
Haag.	Ramsey.
Hankamer.	Ratliff.
Harris.	Ray.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.

Renfro.	Stinson.
Riddle.	Stovall.
Roberts.	Sullivant.
Rogers of Hunt.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Townsend.
Rollins.	Van Zandt.
Russell.	Vaughan.
Savage.	Wagstaff.
Scarborough.	Walker.
Scott.	Wells.
Shannon.	Winningham.
Shults.	Wood.
Stanfield.	

Absent

Bedford.	Jones of Runnels.
Caven.	Lemens.
Cowley.	Long.
Dunlap.	Mackay.
Duvall.	Palmer.
Graves.	Patterson.
Harman.	Reader.
Harrison.	Ross.
Hester.	Smith.
Holloway.	Steward.
Hoskins.	Tarwater.
Hughes.	West.
Jackson.	Young.

Absent—Excused

Alsup.	Nicholson.
Clayton.	Tillery.
Hill of Brazoria.	Turlington.
Johnson	Weinert.
of Dimmit.	

INVITATION TO MEMBERS OF
PRESS ASSOCIATION

Hon. Coke Stevenson, Speaker, asked unanimous consent of the House that the members of the State Press Association, who are in Austin to attend the State Press Convention, be admitted to the Hall of the House.

There was no objection offered, and it was so ordered.

HOUSE JOINT RESOLUTION NO.
3 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 3, Proposing to repeal Article V, of the Constitution of the State of Texas, the same being the article creating the Judiciary Department of the State, and to adopt and enact a new Article V in lieu thereof, reorganizing the Judiciary Department of the State of Texas.

The resolution was read second time.

Mr. McGregor offered the following committee amendment to the resolution:

Amend Section 2 of House Joint Resolution No. 3 by changing the period at the end thereof into a colon and adding thereto the following:

"Provided the Legislature may increase said Supreme Court, should it become necessary, to sixteen judges with five divisions thereof and the sixteenth judge to act as administrative officer of said Court and to sit with said Court or any division thereof when necessary to make a quorum."

The amendment was adopted.

Mr. McGregor offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 3 by striking out all of Section No. 3 and inserting in lieu thereof the following:

"Section 3. Election of Six Judges. Upon the adoption of this amendment the Governor shall call an election, to be held not less than 40 and not more than 60 days from the date of the adoption, for the purpose of electing six judges of the Supreme Court, three of whom shall be elected for a term of four years and three of whom shall be elected for a term of six years and until their successors are elected and qualified.

"Provided any political party in this State may have the right to nominate candidates for Supreme Judge by conventions.

"As soon as the six judges are elected and qualified, the Court shall elect its Chief Justice and divide the Court into three divisions and each division shall elect its presiding judge thereof. The Chief Justice shall hold the office of Chief Justice two years, and each two years thereafter the Court shall elect one of its members Chief Justice. The presiding judge of the respective divisions shall likewise be elected by such division every two years."

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment No. 2 by striking out lines 15 and 16, on page 11.

Mr. Rogers of Ochiltree offered the following substitute for the amendment by Mr. Kyle of Hays:

Amend committee amendment No. 2 by striking out lines 15 and 16 and substituting the following: "Provided, all judges shall be elected on a separate ballot, without party designation, and that the Legislature shall enact provisions for nominating judges."

On motion of Mr. Moore, the substitute amendment was tabled.

Question then recurring on the amendment by Mr. Kyle of Hays, it was adopted.

The committee amendment as amended was then adopted.

ADJOURNMENT

Mr. Laird moved that the House recess to 2 o'clock p. m., today.

Mr. Mathis moved that the House adjourn until 10 o'clock a. m., next Monday.

Question first recurring on the motion by Mr. Mathis, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—65

Adamson.	Jones of Runnels.
Anderson	Lemens.
of Johnson.	Leonard.
Barrett.	Lindsey.
Barron.	Lotief.
Bradley.	Kackay.
Calvert.	Mathis.
Canon.	McCullough.
Caven.	McGregor.
Colson.	McKee.
Coombes.	Moffett.
Crossley.	Moore.
Davidson.	Morrison.
Devall.	Morse.
Dunlap.	Munson.
Dwyer.	Palmer.
Engelhard.	Patterson.
Few.	Pope.
Ford.	Puryear.
Greathouse.	Ramsey.
Griffith.	Renfro.
Haag.	Rogers
Harman.	of Ochiltree.
Harrison.	Scarborough.
Hartzog.	Scott.
Head.	Shannon.
Hester.	Shults.
Hicks.	Stanfield.
Holland.	Stovall.
Holloway.	Sullivant.
Hughes.	Thomas.
Hyder.	Townsend.
Jefferson.	Van Zandt.
Johnson	Wells.
of Anderson.	

Nays—56

Aikin.	Magee.
Alexander.	McClain.
Baker.	McDougald.
Bourne.	Merritt.
Burns.	Metcalfe.
Butler.	Mitcham.
Cathey.	Parkhouse.
Chastain.	Pavlica.
Dean.	Ratliff.
Dunagan.	Ray.
Fain.	Reed of Bowie.
Fisher.	Reed of Dallas.
Fuchs.	Riddle.
Glass.	Roberts.
Good.	Rogers of Hunt.
Goodman.	Rollins.
Hankamer.	Ross.
Hodges.	Russell.
Holekamp.	Savage.
Hoskins.	Smith.
Huddleston.	Steward.
Hunt.	Stinson.
Jackson.	Tarwater.
James.	Tennyson.
Jones of Atascosa.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Young.

Absent

Anderson	Harris.
of Bexar.	Hill of Webb.
Beck.	Jones of Shelby.
Bedford.	Kayton.
Camp.	Latham.
Cowley.	Long.
Daniel.	Reader.
Duvall.	West.
Golson.	Winningham.
Graves.	Wood.

Absent—Excused

Alsup.	Nicholson.
Clayton.	Tillery.
Hill of Brazoria.	Turlington.
Johnson	Weinert.
of Dimmit.	

The House, accordingly, at 12 o'clock m., adjourned until 10 o'clock a. m., next Monday, February 13, 1933.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Constitutional Amendments: House Joint Resolution No. 12.

Public Lands and Buildings: House Bills Nos. 4, 5, and 6.

Common Carriers: House Bill No. 426.

Revenue and Taxation: House Bill No. 247.

Game and Fisheries: House Bills Nos. 358, 441, 327, 362, 399, and 236.

Education: House bill No. 211.

The Committee on Education filed an adverse report on House Bill No. 356.

The Committee on Judiciary filed an adverse report, with a minority favorable report, on House Bill No. 77.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 9, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 242, A bill to be entitled "An Act to repeal Chapter 5, Acts of the Thirty-sixth Legislature, Third Called Session, and Chapter 34, Section 1 and Subsection 15, Acts of the Thirty-seventh Legislature, Regular Session,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

TWENTIETH DAY

(Monday, February 13, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Calvert.
Adamson.	Camp.
Aikin.	Canon.
Alexander.	Cathey.
Alsup.	Caven.
Anderson	Chastain.
of Bexar.	Clayton.
Anderson	Colson.
of Johnson.	Coombes.
Baker.	Cowley.
Barrett.	Crossley.
Barron.	Daniel.
Beck.	Davidson.
Bedford.	Dean.
Bourne.	Devall.
Bradley.	Dunlap.
Burns.	Dunagan.
Butler.	Dwyer.

Engelhard.	Merritt.
Fain.	Metcalfe.
Few.	Mitcham.
Fisher.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Nicholson.
Goodman.	Palmer.
Greathouse.	Parkhouse.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hester.	Reed of Dallas.
Hicks.	Renfro.
Hill of Brazoria.	Riddle.
Hill of Webb.	Roberts.
Hodges.	Rogers of Hunt.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Rollins.
Hoskins.	Ross.
Huddleston.	Russell.
Hughes.	Savage.
Hunt.	Scarborough.
Hyder.	Scott.
Jackson.	Shannon.
James.	Shults.
Jefferson.	Smith.
Johnson	Stanfield.
of Anderson.	Steward.
Jones of Atascosa.	Stinson.
Jones of Runnels.	Stovall.
Jones of Shelby.	Sullivant.
Kayton.	Tarwater.
Kyle of Hays.	Tennyson.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Townsend.
Lemens.	Turlington.
Leonard.	Van Zandt.
Lindsey.	Vaughan.
Long.	Wagstaff.
Lotief.	Walker.
Magee.	Weinert.
Mackay.	Wells.
Mathis.	Winningham.
McClain.	Wood.
McGregor.	Young.
McKee.	

Absent

Duvall.	West.
McDougald.	

Absent—Excused

Graves.	McCullough.
Johnson	Patterson.
of Dimmit.	

A quorum was announced present.